

Application No.: 10/003,149
Amendment and Response dated March 1, 2006
Reply to a Final Office Action of September 2, 2005
Docket No.: 760-117 RCE
Page 10

Remarks/Arguments:

Introduction

Claims 1-30 are pending. Claim 32 has been cancelled.

Section 102/103 Rejections

Claim 32 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U. S. Patent Application Publication No. 2003/0082323 A1 to Venditti et al. Claim 32 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U. S. Patent Application Publication No. 2003/0082324 A1 to Sogard et al. Claim 32 was rejected under 35 U.S.C. §102(a) as allegedly being anticipated by European Patent Application No. EP 0 351 584 A1 to Ishiwari et al. Applicants respectfully submit that with the cancellation of claim 32 that these section 102 rejections are moot.

Claims 1-30 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by, or in the alternative under 35 U.S.C. §103(a) as allegedly being obvious over, U. S. Patent No. 6,695,833 to Frantzen.

As noted by the Examiner, the Frantzen reference is applied under the provisions of 35 U.S.C. §102(e), having an issue date subsequent to the filing date of the priority application of the present application, but having a filing date prior thereto.

Submitted herewith is a declaration of the inventors, Kristian DiMatteo and Robert C. Thistle, pursuant to 37 C.F.R. §1.131. In that declaration, the inventors attest to conception of the invention and reduction to practice of the complete invention with diligence at a date prior to the filing date of the Frantzen reference.

Application No.: 10/003,149
Amendment and Response dated March 1, 2006
Reply to a Final Office Action of September 2, 2005
Docket No.: 760-117 RCE
Page 11

Accordingly, it is respectfully submitted that the Frantzen reference should be removed as a cited reference against the claims of the present invention.

Therefore, reconsideration and withdrawal of the rejection of claims 1-30 under 35 U.S.C. §102(e) and/or 35 U.S.C. §103(a) are respectfully requested.

Summary

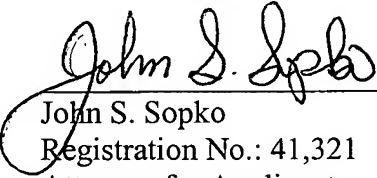
Therefore, Applicants respectfully submit that claims 1-30 are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Application No.: 10/003,149
Amendment and Response dated March 1, 2006
Reply to a Final Office Action of September 2, 2005
Docket No.: 760-117 RCE
Page 12

Respectfully submitted,



John S. Sopko
Registration No.: 41,321
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700